IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Bachu Ram Vs. Bal Kishan Sharma & Others
(D.B. Civil Special Appeal No.704/1994)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan High Court Ordinance 1949 against the order dated 1-8-1994 in SB Civil Writ Petition No.2858/1991.

Date of Judgment: January 11, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Dr. P.C. Jain, for the appellant.

Mr. Suresh Pareek, for the respondent.

BY THE COURT: (Oral)

The appellant seeks to quash order dated August 1, 1994 of the learned Single Judge whereby the land in dispute was declared as strip of land and relief sought by the appellant was declined.

2. The appellant had filed writ petition before the learned Single Judge assailing the order dated March 20, 1991 of the Divisional Commissioner Jaipur whereby the order of allotment of land measuring 10 x 29.5 ft. (290 sq.ft.) by the Municipality Board to the appellant was cancelled.

3. Having considered rival submissions we notice that prior to the allotment made in favour of the appellant, the respondent No.1 also sought allotment of said land but the request was declined. Thereafter without following the due procedure the land was suddenly allotted to the appellant.

The Divisional Commissioner in the order observed that the allotment of land was made in suspicious circumstances since neither prior sanction of Town Planner was obtained nor the file was moved through the Executive Officer.

4. We see no infirmity in the order of learned Single Judge. The order has been passed in view of Rule 23 of Rajasthan Municipalities (Disposal of Urban Land) Rules,1974 in exercise of revisional powers under Article 227 of the Constitution of India, therefore, in the instant intra court appeal no interference is called for.

5. Resultantly, the appeal being devoid of merit, stands dismissed without any order as to costs.

(R.S.Chauhan),J. (Shiv Kumar Sharma)J.

arn/